



1 UNITED STATES BANKRUPTCY COURT
2 Signed: February 01, 2010
3 NORTHERN DISTRICT OF CALIFORNIA

4 In re

5 MACARTHUR HEIGHTS HOMEOWNERS'
6 ASSOCIATION,

7 Debtor-in-Possession.
8

Leslie Tchaikovsky
9 LESLIE TCHAIKOVSKY
10 U.S. Bankruptcy Judge
11 Chapter 11

12 **MEMORANDUM RE SECOND AMENDED PLAN AND DISCLOSURE STATEMENT**

13 The Court has reviewed the Second Amended Plan and
14 Disclosure Statement and, if one amendment is made to the Second
15 Amended Plan, is prepared to conditionally approve the Second
16 Amended Disclosure Statement. The Second Amended Disclosure
17 Statement discloses that the settlement with the Class 4
18 Creditor, ACT, provides for payment of a total of \$610,898.22,
19 \$125,000 on the effective date of the plan and the balance paid
20 monthly over ten years with four percent interest. The Second
21 Amended Plan makes no mention of the \$125,000 to be paid on the
22 effective date. The settlement agreement, which the Court
23 approved and a copy of which is attached to the Second Amended
24 Plan, provides for the \$125,000 payment on the effective date.
25 Therefore, the Court presumes that the failure to mention this
26 payment in the Second Amended Plan is an oversight. If this
omission is corrected, the Court will sign the proposed form of
order that has been submitted.

END OF ORDER

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COURT SERVICE LIST

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